



Washington State Department of Agriculture News Release

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Agriculture Department issues fines and suspensions for pesticide violations

OLYMPIA – During the second quarter of 2002, the state Department of Agriculture (WSDA) issued fines totaling \$10,367 against 11 individuals. Of those, seven also had their licenses suspended for a total of 47 days. Two individuals were not fined but had their licenses suspended for a total of 54 days. Fines for the quarter ranged from \$200 to \$3,700 for violations that included issuing a faulty structural inspection report, failing to follow directions on a pesticide label, keeping inadequate records and allowing a pesticide to drift onto a person or property.

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA enforces state and federal laws to protect people, property, animals and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms, such as termites and carpenter ants. About 200 allegations of improper distribution or misuse of pesticides, or faulty structural inspections are investigated every year.

To file a complaint involving the potential misuse of a pesticide, or to assure that an applicator is licensed, call (877) 301-4555.

Keith Amack, of Richland, was fined \$1,000 for operating a commercial pesticide application business without a license. Amack did not have a license in the fall of 2001 when he applied pesticides to a residential landscape in Kennewick.

Wayne Charwood, a commercial pesticide operator for Turfpro in Prosser, was fined \$1,100 and his license was suspended for 16 days. In the fall of 1999, Charwood incorrectly applied herbicides to a residential property in Yakima causing damage to numerous ornamental plants. Charwood did not follow the directions on the product label, applied pesticides in a faulty or negligent manner, and failed to maintain adequate records.

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Fred Ellis, former president and commercial applicator for Paratex American Pest Management in Aberdeen, received a 21-day license suspension. In April 1998 and again in March 2000, for purposes of a real estate transaction, Ellis conducted an inadequate inspection for wood destroying organisms (WDO) on a house in Aberdeen. The new homeowner discovered extensive rot and wood-boring beetle damage in the substructure of the house that Ellis did not report. Ellis was charged with making false reports, operating in a faulty or negligent manner, and failing to follow required WDO inspection criteria.

Robert Flynn, a commercial pest control consultant for Shamrock Home Inspection in Yelm, was fined \$1,100 and his license was suspended for six days. In April 2000, for purposes of a real estate transaction, Flynn conducted an inadequate inspection for wood-destroying organisms (WDO) on a house in Hoodspoint. The new owners discovered damage and other problems that Flynn did not report. Flynn was charged with making a false report, operating in a faulty or negligent manner, and failing to follow required WDO inspection criteria.

Wayne Gardner, owner and commercial applicator for Flight Level Zero in Othello, was charged with failing to follow label directions and applying pesticides in a faulty or negligent manner. The department alleges that, in June 2001, when Gardner applied pesticide to a crop of potatoes in Adams County, the application drifted onto a passing car exposing the driver and a passenger. WSDA also charges that, in September 2001, when Gardner applied an herbicide to a circle of potatoes in the Royal City area, the spray drifted damaging nearby timothy hay and alfalfa crops. The matters were resolved with Gardner agreeing to a three-day license suspension and a fine of \$3,700.

Bryan Isner, of Olympia, received a 33-day license suspension. During the summer of 2000 while working for Alpha Ecological Pest Control, Isner applied plain water instead of a pesticide while charging the customers for his service. Isner operated in a faulty or negligent manner, applied known ineffective or improper pesticides, and failed to maintain adequate records.

Willis Maxson, owner and commercial applicator for Eastern Washington Spraying Service in Eltopia, was charged with failing to follow label directions and applying pesticides in a faulty or negligent manner. The department alleges that, in August 2001, when Maxson applied fungicide to a 100-acre potato field near Ice Harbor Dam, the application drifted onto a passing truck exposing the driver and a child. The matter was resolved with Maxson agreeing to a three-day license suspension and a fine of \$917.

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Patrick Murphy, owner and commercial applicator for Evergreen Extras in Chehalis, was charged with failing to provide pesticide application records upon request by WSDA. The matter was resolved with Murphy agreeing to pay a \$917 fine.

Santiago Rodriguez, a private applicator from Oroville, was fined \$550 and his license was suspended for nine days. In July 2001, when Rodriguez applied insecticide to an orchard in Okanogan County the pesticide drifted exposing a family that lived across the road from the orchard. Rodriguez did not follow the directions on the product label, and applied pesticides in a faulty or negligent manner.

David Rothwell, a commercial pest control consultant and owner of Rothwell Inspection Service in Renton, was charged with making a false report, operating in a faulty or negligent manner, and failing to follow required wood-destroying-organism inspection criteria. WSDA alleges that, in September 1999, for purposes of a real estate transaction, Rothwell conducted an inadequate inspection for wood-destroying organisms on a house in Everett. The new owner discovered extensive damage and other problems Rothwell did not report. The matter was resolved with Rothwell agreeing to a three-day license suspension and a fine of \$500.

Gary Schonert, of Castle Rock, was charged with failing to follow label directions and applying pesticides in a faulty or negligent manner. The department alleges that, in August 2001, when Schonert applied herbicide onto his property, the application drifted damaging plants on his neighbor's property. The matter was resolved with Schonert agreeing to pay a \$250 fine.

David Sutherland, a commercial pest control consultant for Columbia County Farm Bureau, Inc., was charged with making a pesticide recommendation inconsistent with the product label. WSDA alleges that, in the fall of 2000 and again in the spring of 2001, Sutherland consulted with an individual in the application of an unregistered herbicide on timothy hay, severely damaging the crop. The matter was resolved with Sutherland agreeing to a seven-day license suspension and a fine of \$450.

James Wilson, a commercial pest control consultant and owner of World Inspection Network in Renton, was fined \$600. Wilson failed to provide wood-destroying-organism inspection records upon request from WSDA.

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